

IN THE CENTRAL ADMINISTRATIVE TRIBUNAL HYDERABAD BENCH AT HYDERABAD

FRIDAY THE THIRTY FIRST DAY OF JULY  
ONE THOUSAND NINE HUNDRED AND EIGHTY SEVEN

: PRESENT :

THE HON'BLE MR. B.N. JAYA SIMHA: VICE-CHAIRMAN  
AND  
THE HON'BLE MR. D. SURYA RAO: MEMBER.

ORIGINAL APPLICATION NO. 401 of 1987

Between:-

S. Kamalabai.

.....Applicants.

1) The Union of India, rep. by its Secretary, Ministry  
of Railways, New Delhi.  
2) The Divisional Rly. Manager, South Central Railway,  
Guntakal, Anantapur dist.  
(3) The Senior Divisional Personnel Officer, South  
Central Railway, Guntakal, Anantapur dist.  
.....Respondents.

Application under Section 19 of the Administrative  
Tribunals Act, 1985 praying that in the circumstances stated therein  
the Tribunal will be pleased to quash the impugned orders  
in no. C.P/677/IX/charge of departments dt. 8/12-5-87  
and in no. 41/P 677/IX charge of departments dt. 8.6.87  
passed by the 2nd respondent and 3rd respondent  
herein and declare the same as illegal and arbi-  
trary and consequently direct the respondents  
2 and 3 to continue the applicant as Peon in  
Telegraph office, Dharmanagar.

Original Application No. 401 of 1987

In this application the applicant seeks to question the order No. GP.677/IX/Change of Department dated 8/12.5.1987 whereby she was retransferred as Safaiwali by the Medical Department of the Railway, Guntakal. Earlier thereto only on the request of the applicant, she has been transferred from the post of Safaiwali to that of Telegraphic peon on 6.9.1985. She was informed that posting her as peon involves change of category, <sup>that is</sup> <sup>law been obtained, that</sup> (the approval of competent authority) and is subject to her being free from vigilance cases and that she will rank junior to all existing permanent/temporary peons on the date of her joining the new post. By <sup>is</sup> impugned order dated 8/12.5.1987 the change of category by bringing her back to the category of Safaiwali from the category of peon is sought to be <sup>questioned</sup> impugned. It is contended that several others <sup>were</sup> similarly transferred from one Department to another but nobody was retransferred except the applicant. It is further contended that no reason was given for changing the category of the applicant from peon to Safaiwali.

2. We have heard the learned counsel for the applicant and the learned Standing Counsel for the Railway.

The Standing Counsel has produced the record before us.

He states that the order of transfer and recategorisation was done wrongly by the concerned Officer and posting was given <sup>to the applicant</sup> as peon. There were several other seniors to the applicant who were entitled to the post of peon. Admittedly the order sought to be impugned involves change of category and her transfer <sup>had been done earlier after considering</sup> as peon ~~was done earlier on consideration~~ was done earlier on consideration of her request. Retransfer without a notice to the applicant would prima facie be bad.

3. We accordingly allow the application with a direction that it is open to the Department to issue notice to the applicant explaining the circumstances under which the impugned order has been issued <sup>and give</sup> giving her an opportunity to make representation and then pass such order as deemed fit and proper.

4. With these directions, the impugned order dated 8/12.5.87 is set aside. There will be no order as to costs.

Dictated in the open court.

*B. N. Jayasimha*  
( B. N. Jayasimha )  
Vice Chairman

*D. Surya Rao*  
( D. Surya Rao )  
Member (J)

Dated this the 31st day of July 1987